

Attachment H

Proposal # 2001- E-208 (Office Use Only)

PSP Cover Sheet (Attach to the front of each proposal)

Proposal Title: Benicia Waterfront Marsh Restoration Project Phase II, Implementation
Applicant Name: City of Benicia
Contact Name: Michael Alvarez
Mailing Address: 250 East L Street
Telephone: 707/746-4287
Fax: 707/747-8118
Email: malvarez@ci.benicia.ca.us

Amount of funding requested: \$ 502,255.00

Some entities charge different costs dependent on the source of the funds. If it is different for state or federal funds list below.

State cost _____ Federal cost _____

Cost share partners? ☒ Yes ☐ No
Identify partners and amount contributed by each. City of Benicia: \$67,926.00

Indicate the Topic for which you are applying (check **only** one box).

- | | |
|-----------------------------------------------------------------------|----------------------------------------------------------------------|
| <input type="checkbox"/> Natural Flow Regimes | <input type="checkbox"/> Local Watershed Stewardship |
| <input type="checkbox"/> Nonnative Invasive Species | <input type="checkbox"/> Environmental Education |
| <input type="checkbox"/> Channel Dynamics/Sediment Transport | <input type="checkbox"/> Special Status Species Surveys and Studies |
| <input type="checkbox"/> Flood Management | <input type="checkbox"/> Fishery Monitoring, Assessment and Research |
| <input checked="" type="checkbox"/> Shallow Water Tidal/Marsh Habitat | <input type="checkbox"/> Fish Screens |
| <input type="checkbox"/> Contaminants | |
| <input type="checkbox"/> Beyond the Riparian Corridor | |

What county or counties is the project located in? Solano

What CALFED ecozone is the project located in? See attached list and indicate number. Be as specific as possible 2 (Carquinez Strait)

Indicate the type of applicant (check only one box):

- | | |
|---------------------------------------------------------------|-----------------------------------------|
| <input type="checkbox"/> State agency | <input type="checkbox"/> Federal agency |
| <input type="checkbox"/> Public/Non-profit joint venture | <input type="checkbox"/> Non-profit |
| <input checked="" type="checkbox"/> Local government/district | <input type="checkbox"/> Tribes |
| <input type="checkbox"/> University | <input type="checkbox"/> Private party |
| <input type="checkbox"/> Other: _____ | |

Indicate the primary species which the proposal addresses (check all that apply):

- | | |
|----------------------------------------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> San Joaquin and East-side Delta tributaries fall-run Chinook salmon | <input type="checkbox"/> Spring-run Chinook salmon |
| <input type="checkbox"/> Winter-run Chinook salmon | <input type="checkbox"/> Fall-run Chinook salmon |
| <input type="checkbox"/> Late-fall run Chinook salmon | <input type="checkbox"/> Longfin smelt |
| <input type="checkbox"/> Delta smelt | <input type="checkbox"/> Steelhead trout |
| <input type="checkbox"/> Splittail | <input type="checkbox"/> Striped bass |
| <input type="checkbox"/> Green sturgeon | <input type="checkbox"/> All Chinook species |
| <input type="checkbox"/> White sturgeon | <input type="checkbox"/> All anadromous salmonids |
| <input checked="" type="checkbox"/> Waterfowl and Shorebirds | <input type="checkbox"/> American shad |
| <input checked="" type="checkbox"/> Migratory birds | |
| <input type="checkbox"/> Other listed T/E species: _____ | |

Indicate the type of project (check only one box):

- | | |
|---------------------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Research/Monitoring | <input type="checkbox"/> Watershed Planning |
| <input type="checkbox"/> Pilot/Demo Project | <input type="checkbox"/> Education |
| <input checked="" type="checkbox"/> Full-scale Implementation | |

Is this a next-phase of an ongoing project? **YES**

Have you received funding from CALFED before? **YES**

If yes, list project title and CALFED number

Benicia Waterfront Marsh Restoration Project, FWS Agreement No.: 1142095030

Have you received funding from CVPIA before? **No.**

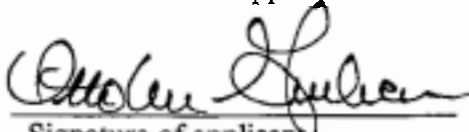
If yes, list CVPIA program providing funding, project title and CVPIA number (if applicable):

By signing below, the applicant declares the following:

- The truthfulness of all representation in their proposal'
- The individual signing the form is entitled to submit the application on behalf of the applicant (if the applicant is an entity or organization); and
- The person submitting the application has read and understood the conflict of interest and confidentiality discussion in the PSP (Section 2.4) and waives and all rights to privacy and confidentiality of the proposed on behalf of the applicant, to the extent as provided in the Section.

Otto Wm. Giuliani, City Manager

Printed name of applicant


Signature of applicant

B. EXECUTIVE SUMMARY

Project Title: Benicia Waterfront Marsh Restoration Project, Phase II, Implementation
Amount Requested \$502,255.00
Applicant: City of Benicia
Contact: Michael Alvarez
Director, Parks and Community Services
250 East L Street
Benicia, CA 94510
707/746-4287 telephone 707/747-8118 fax
Email: malvarez@ci.benicia.ca.us

Collaborators: EDAW, Inc. and Balance Hydrologics

The 8-acre Benicia Waterfront Marsh Restoration Project is located in the City of Benicia, Solano County, California along the northern edge of the Carquinez Strait. This proposal is for Phase II, Implementation, of the restoration. Phase I, Restoration Planning, was previously funded by CALFED. Implementation of the project **will** ecologically enhance a total of 7.4 acres—6.8 acres of tidal brackish marsh and 0.6 acres of upland native grass buffer. Included in the 6.8 acres of enhancement is restoration of 0.7 acres of middle level brackish marsh by removal of mounded fill, and the conversion of 0.23 acres of degraded middle level brackish marsh to low brackish marsh, also via removal of **fill**. Monitoring and control of invasive non-native species is a major component of the maintenance plan for the site. The project **will** facilitate and encourage public interaction with the site through construction of observation platforms, trail improvements, and public participation in planting and monitoring activities. Implementation of the Benicia Waterfront Marsh Restoration Project **will** directly addresses Goals 4 Habitat, and 2: Ecosystem Processes and Biotic Communities, of the CALFED Strategic Plan. It secondarily or indirectly addresses Goals 1: At-Risk Species, and 5 Non-native Invasive Species. Restoration and enhancement of 6.8 acres of saline emergent wetlands contributes directly to the ERP goal of restoration of 7,000 to 11,000 acres of saline emergent wetland in the Suisun Marsh/North San Francisco Bay Ecological Management Zone. The site is a remnant of a former 140-acre tidal marsh complex. The geomorphic and hydrologic patterns and plant distributions of the marsh have been altered by: (1) A severely reduced tidal prism; (2) An elevated surface in relation to tidal levels; (3) A changed composition of surface sediments; (4) Fill and past land uses on the **fill** (docks, canneries, a tannery, and railroad spur) have resulted in a highly degraded **marsh** vegetation. Removal of fill and creation of pilot channels **will** increase the tidal prism. An increased tidal prism **will** set the stage for a more natural evolution of low order tidal channels. Resultant changes in depths, frequency, and patterns of inundation **will** eventually be result in more natural vegetation patterns.

C. PROJECT DESCRIPTION

The work described in this proposal is Phase II, Implementation, of the restoration plan for the Benicia Waterfront Marsh. Phase I, Restoration Planning, was previously funded by CALFED. Implementation of the project **will** ecologically enhance a total of 7.4 acres—6.8 acres of tidal brackish marsh and 0.6 acres of upland native grass buffer. Included in the 6.8 acres of enhancement is restoration of 0.7 acres of middle level brackish marsh by removal of mounded ~~fill~~, and the conversion of **0.23** acres of degraded middle level brackish marsh to low brackish marsh, also via removal of ~~fill~~. Monitoring and control of invasive non-native species is a major component of the maintenance plan for the site. The project **will** facilitate and encourage public interaction with the site through construction of observation platforms, trail improvements, and public participation in planting and monitoring activities.

I. Statement of the Problem

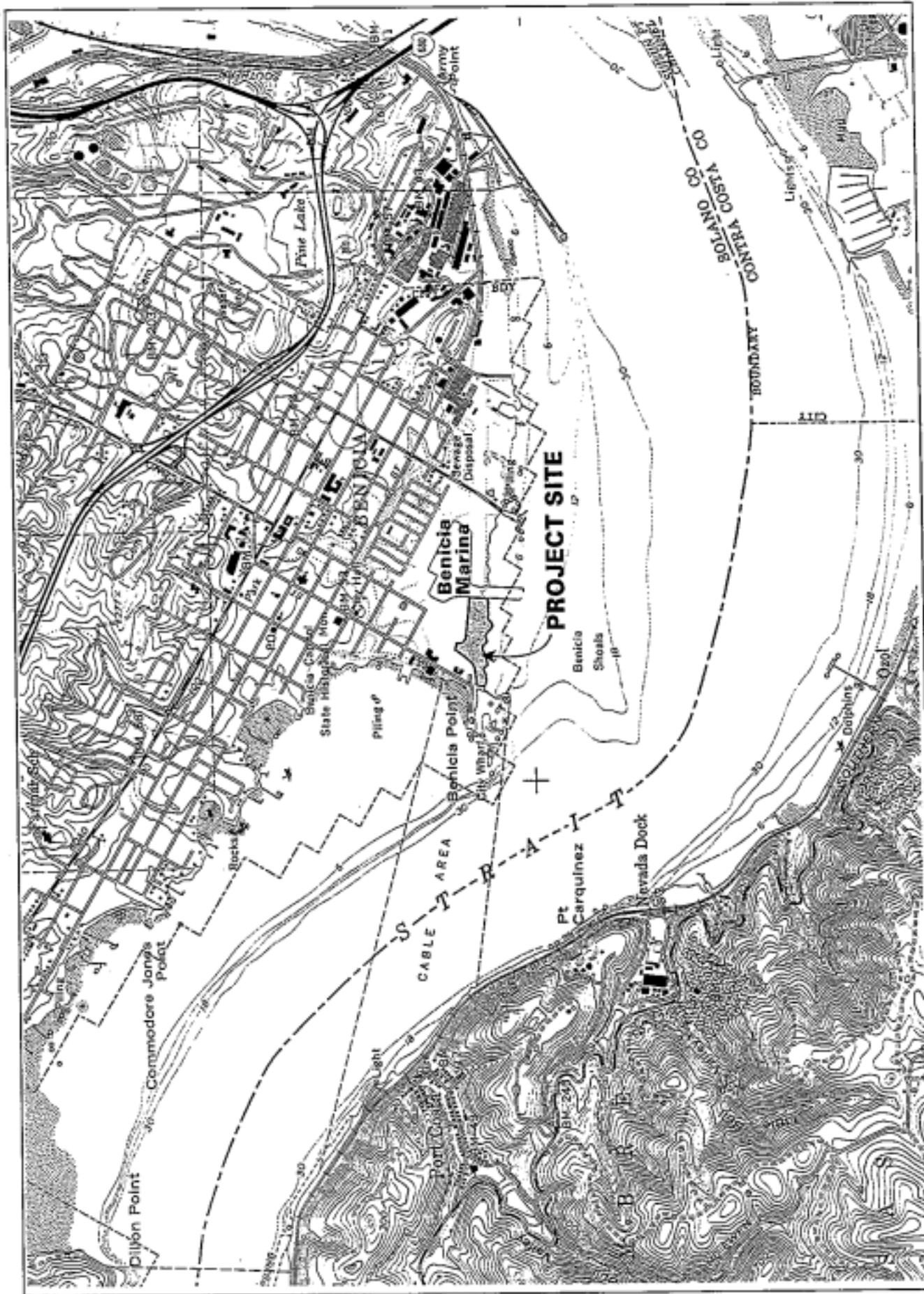
a. Problem

The restoration of the Benicia Waterfront Marsh is intended to address the following problems, each of which has been identified by CALFED as an important part of its scope:

- the loss of quantity, and degradation of quality, of saline emergent wetlands
- the modification of tidal flow patterns with consequent impacts on both plant and animal life
- the lack of widespread public understanding of the functions and importance of saline emergent wetlands and the Bay-Delta system in general

b. Conceptual Model

The Benicia Waterfront Marsh occupies approximately 6.8 acres along the northern edge of the Carquinez Strait (*Exhibit 7*). The project site encompasses approximately 8 acres, which includes an upland berm and buffer strip (*Exhibit 2*). The Carquinez Strait is a unique component of the Bay-Delta system, a relatively narrow channel between San Pablo and San Francisco bays to the west and Suisun Marsh and other marshlands of the Delta to the east. The Strait is subject to tidal flow, but is also very influenced by freshwater flows out of the Delta. Although the Benicia Waterfront Marsh site occupies a relatively small area, enhancement of tidal marsh functions and values at this location ~~will~~ contribute to the restoration of the shoreline continuum that formerly defined the upper reaches of the Carquinez Strait. Historic maps of the project area show that a 140-acre tidal marsh complex formerly occupied the southeast corner of the City of Benicia. Tidal marshes along the Strait are of particular interest because of their location in the mixing zone that marks the transition from the freshwater domain of the Central Valley to the saltwater of the Pacific Ocean. The seasonal and year-to-year shifts in the position of this mixing zone are manifest in many important environmental functions such as sediment transport and deposition, salinity gradients and nutrient cycling. Plant distribution along the estuarine gradient has been a subject of interest to marsh ecologists for some time (e.g., Atwater and Hedel 1976) and changes in species distribution due to drought (and consequent change in salinity levels) were observed in the nearby Southhampton Marsh at Benicia State Park (Atwater et al 1979).



Base Map Source: Benicia Quadrangle, U.S.G.S.

EXHIBIT 1

Project Location










Benicia Waterfront Marsh Restoration Project



EDAW



ELEVATIONS

	1' - 2'		4' - 5'		7' - 8'
	2' - 3'		5' - 6'		8' - 9'
	3' - 4'		6' - 7'		> 9'

The following sections outline a conceptual model for geomorphic, hydrologic, and biological processes in small remnant marshes of the estuarine transition zone.

How tidal marsh systems function

The volume of the tidal prism is the primary driver of marsh geomorphology, especially channel evolution. The interplay of marsh geomorphology and tidal levels creates a range of hydrologic conditions—water depths and inundation frequencies. The depth and frequency of tidal inundation is the primary determinant of plant species distribution. Sediment salinity, which is also a function of depth and timing of inundation, may be the major factor influencing vegetative zonation in salt marshes. However, small differences in marsh topography, local hydrology, sediment characteristics, and interspecific competition affect the pattern of species distributions. Actual species distributions may be patchy, deviating from the general trend, with patches of a species occurring at elevations where they are not expected.

The Carquinez Strait is near the middle of the estuarine gradient from the Pacific to the delta. There is great seasonal and year-to-year variation in the salinity of waters inundating marshes and consequent variation in sediment salinities. Tidal marshes along the Strait are brackish marshes. In brackish marshes, factors other than depth and frequency of inundation complicate explanation of observed vegetation patterns compared to salt marshes. Other factors include a greater diversity of potentially suitable species; variations in sediment moisture, organic content, and salinity; the large variations in inflow of fresh water, both from upland portions of the marsh watershed, and outflow from the delta, which causes variation in the salinity of water inundating marshes seasonally and year-to-year. (Leopold et al 1984; Pestrong 1965; Hecht et al 1997; White et al 1998; Josselyn 1983; Ustin et al 1982; Atwater et al 1979).

How the Benicia Waterfront Marsh has been altered and degraded

The physical and biological processes--geomorphic and hydrologic patterns, and plant distributions--of the Benicia Waterfront Marsh have been altered by:

A severely reduced tidal prism. Placing fill and cutting the site off from the larger extent of the former marsh has reduced the tidal prism to small fraction of its former volume. The shape of the remnant site is narrow, with its long axis parallel to the Strait, further limiting drainage distance and tidal prism. Historic mapping shows that the project site is small remnant of an approximately 140-acre system. That system had a well-developed tidal channel network, including a large high-order channel that opened to the Strait on the project site.

A n elevated surface in relation to tidal levels. One to ten feet of fill have been placed over the most recent historic plain and mounded fill in certain areas is four to six feet above the existing plain (Exhibit 3). Changing the surface elevation of marsh changed the depth, frequency, and duration of inundation, created impediments to smooth overland flow, and created impoundments impeding exit of water from the site (Exhibit 4).

A changed composition of surface sediments. Compared to a natural site, the Benicia marsh substrate is heterogeneous. Fill deposited on the site consists of a broad mixture of materials including rubble, woody debris, and gravels, as well as various bay muds (Exhibit 4). Typical marsh sediment deposition, in any given place and time, is usually relatively uniform.



EXISTING TOPOGRAPHY



A view of the marsh edge, looking east along the shore.



Looking south across the project site toward the Carquinez Strait. Tall vegetation and palm in the background are on areas of mounded fill to be removed during restoration.

Fill and past Land uses on the fill (docks, canneries, a ~~factory~~, and railroad spur) resulted in a highly degraded marsh vegetation. Brief descriptions of the Benicia Waterfront Marsh prepared in 1991-1992 described the marsh vegetation as “sparse with large barren spots” and lacking tidal action. Saltgrass (*Distichlis spicata*) was described as the most common plant species; pickleweed (*Salicornia virginica*) was primarily limited to a drainage channel (*Exhibit 5*). (*City of Benicia 1991; Philip Williams & Associates 1992; Harding Lawson Associates 1993*).

How various actions might improve conditions in the system

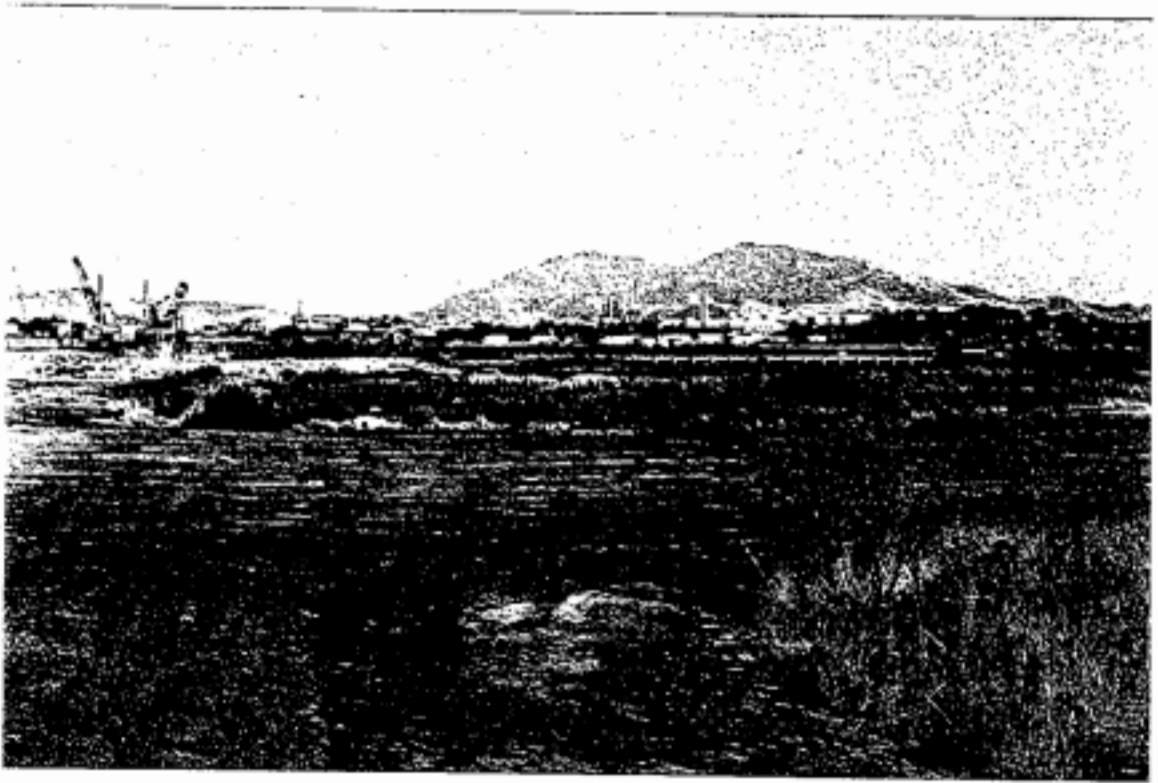
Removal of fill and creation of pilot channels (*Exhibit 6*) **will** increase the tidal prism. An increased tidal prism sets the stage for a more natural evolution of low order tidal channels. Modest channel widening and some headward erosion of lower order channels **will** create a range of elevations at the head of the channel network, appropriate in size and scale to a marsh of this size. The removal of fill **will** result greater inundation depths for longer periods of time, especially in the near shore parts of the marsh. An increased tidal prism should also provide more freshwater into upper parts of the marsh during those parts of the year (ca. Feb. to April) that freshwater tends to dominate surface flows in the Strait.

Overexcavation to create the large central channel **will** likely lead to sediment deposition in the channel. The *form* of the central channel is intended to mimic the high order channel that once existed in this part of the marsh. The *function* of excavation in this area, however, is to restore a portion of the site to a lower elevation, without mass grading of the entire site. A portion of the site at lower elevations **will** provide an opportunity for cordgrass and other low marsh organisms to establish. The small tidal prism of the site **will** not keep this channel clear. Deposition of fine sediments will create an area with natural substrates furthering the establishment of Pacific cordgrass and other organisms.

These changes in marsh geomorphology and the depths, frequency, and patterns of inundation **will** eventually be reflected in altered vegetation patterns. The marsh appears to be in an relatively early stage of vegetation development. In contrast to 1991-1992 conditions in the marsh, 1999 vegetation surveys found the marsh vegetation to be a predominantly native, albeit extremely heterogeneous, **mixture** of freshwater, brackish, and saline species (*Exhibit 7*). Pickleweed is dominant or co-dominant with saltgrass over ca. half the site. Large patches of two species of cattails (*Typha* spp.), common reed (*Phragmites australis*), and other fresh and brackish water species occupy middle portions of the site; and Olneyi's bulrush (*Scirpus americanus*) and alkali bulrush (*Scirpus maritima*) occur in certain lower elevation areas. Pacific cordgrass (*Spartina foliosa*) is found in two stations: small discrete patches between bulrush and open water, and surprisingly, it is also found at higher elevations as a mixture with sea arrowgrass (*Triglochi maritima*) and other species. (*EDAW 1999*)

c. Hypotheses being tested

The Benicia Waterfront Marsh site, given its heterogeneous substrate origins and relatively recent colonization by marsh plant species, offers the opportunity, through long-term observation of vegetation coupled with flow and salinity monitoring, of contributing significantly to our understanding of the ecology and development of brackish marsh systems.

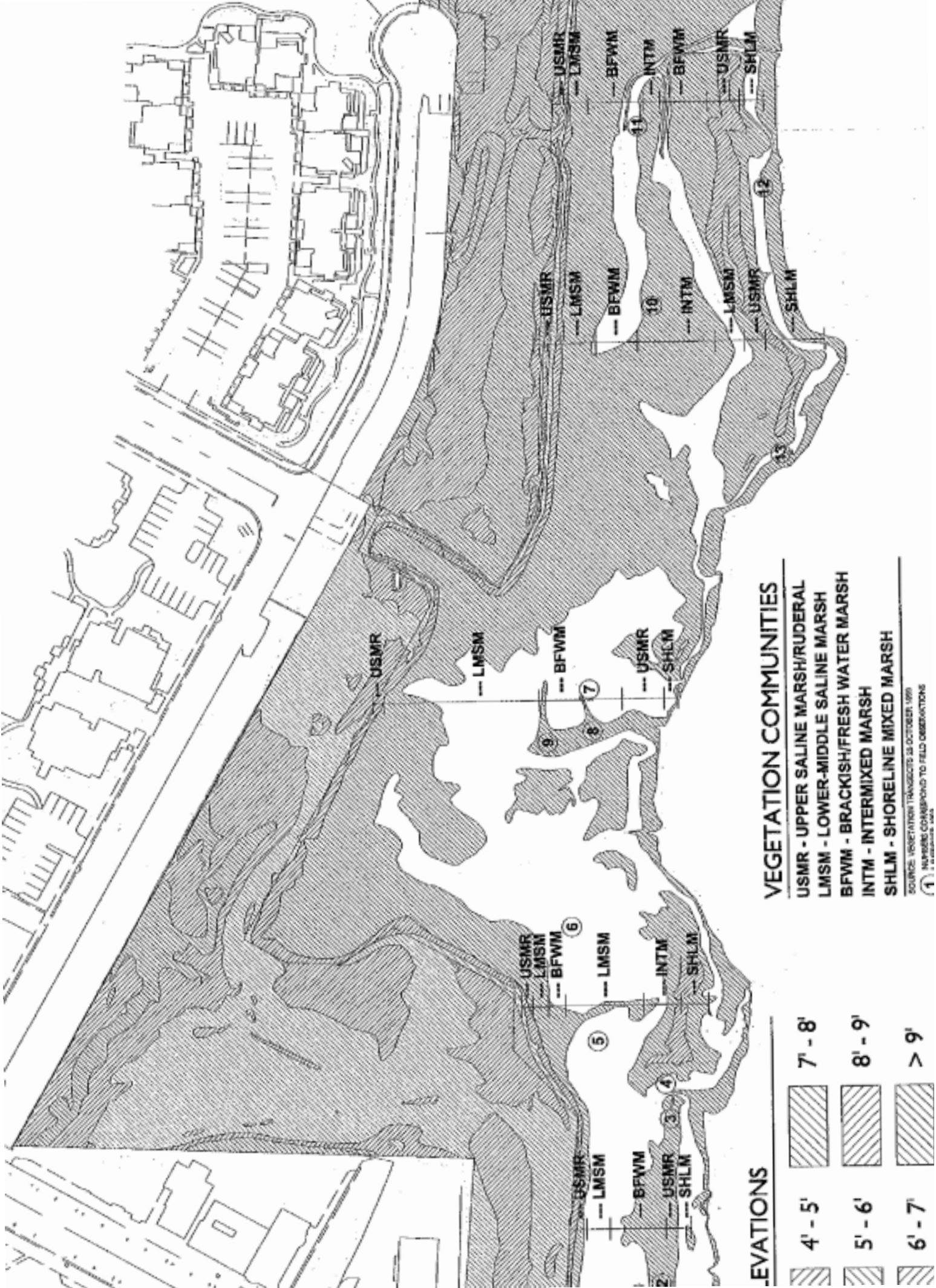


Looking east/southeast across the project site.



Looking south across the project site toward the Carquinez Strait.





question: What is the appropriate channel morphology for a small site such as this with a very small tidal prism? Our hypothesis is that the current tidal prism over most of the site is insufficient to initiate channel formation. Fill removal and construction of pilot channels **will** sufficiently increase tidal prism that low order channels **will** begin to evolve. This may be contrasted to what happens in the large central channel. Our hypothesis here is that the central channel **will** become a depositional area. Monitoring of the site **will** provide new insight into channel development in small systems.

question: What is the relation between levels of salinity, seasonal and year-to-year variation in salinity, and depth and frequency of inundation to plant species dominance in brackish systems? Our hypothesis is that the diverse, heterogeneous vegetation patches and patterns present today on project site are a function of: 1) different soil types deposited as fill; 2) differential settling or subsidence of those fill surfaces, leading to small scale elevation changes, leading to differences in length of presence of standing water, or saturated soils; 3) the presence of areas of high fill inhibits even and regular drainage, contributing to differences as described in 2; and, 4) priority effects of colonizing plant species as the open and disturbed fill surface was colonized by species capable of surviving in the fluctuating brackish water environment. Possible future trajectories of the marsh include: (a) Given a more even and regular tidal flow over the marsh plain, it is expected that over time the current patchy diversity of dominant species **will** decrease, and a more uniform set of species **will** dominate. (b) If current conditions are at least partially a product of #4, that is, current conditions reflect the opportunistic establishment of species, then additional time for competition and dispersal on site, might also tend toward a more uniform plant composition. (c) On the other hand, if soil characteristics are a primary driver of the current heterogeneous condition, then the current conditions may be expected to persist, in spite of a and b. (d) Similarly, if long-term species dominance is strongly driven by first colonizers, rather than by competition between species, then current condition may persist.

d. Adaptive Management

This project does not anticipate major future actions, and therefore does not contemplate major shifts in future actions. This project is conceived as a full-scale implementation project in the terminology of the hierarchy of knowledge provided in the RFP. The project is a small-scale restoration of tidal emergent wetlands, accomplished primarily through removal of fill and construction of pilot channels. The general relationship between the surface elevation of tidal marshes, tidal inundation levels, and plant composition is relatively well understood. On a more micro-scale there are many interesting questions, as discussed above. But overall there is little controversy that provision of appropriate elevations **will** allow native marsh vegetation to establish. The monitoring program proposed for this project should lead to an increased understanding of the developmental processes of brackish tidal marshes. This **will** be achieved through observation rather than through future manipulations of the site. Once fill is removed, the primary impediment to development of the site **will** have been removed.

There is a potential for non-native invasive species to occupy sites disturbed for restoration. Of primary concern at the Benicia site is perennial pepperweed (*Lepidium latifolium*). The monitoring and maintenance plan includes a component for observation and early control should noxious invasives appear on site.

2. Proposed Scope of Work

a. Location

The Benicia Waterfront Marsh Restoration Project is located in the City of Benicia, Solano County, California. A topographic map showing the project location is provided in Exhibit 1. The project is located at approximately 122° 30' W and 37° 49' N.

b. Approach

Construction plans and specifications have been developed for the proposed fill removal and channel excavation. The City of Benicia ~~will~~ seek competitive bids for construction. A hazardous materials assessment of the project site identified random pockets of hydrocarbons in the marsh soil, not surprising given its past history. The proposed restoration plan was developed to avoid excavation in areas of known contamination. Prior to initiation of construction, additional sediment sampling and testing ~~will~~ be undertaken in areas slated for excavation. The sampling program will be conducted in keeping with the requirements of the Regional Water Quality Control Board permit for the project. The construction documents include provisions for excavation of contaminated material and capping of excavation with clean fill, should any additional deposits be identified. The construction budget contains contingency measures and assumes that a portion of the fill **will** be contaminated and require special handling and disposal. Should quantities exceed the amounts budgeted for, a particular channel or channels may be left unexcavated to balance the budget. Should no additional contamination be discovered, the project could be constructed for less.

No planting of wetland species is proposed. Regular surveys **will** be conducted to determine that no invasive plant species are establishing in the wetland restoration areas. Should any invasive species be encountered they **will** be removed. Invasive species control **will** be conducted by Benicia Parks and Community Service staff after training and oversight assistance by a restoration ecologist with demonstrated experience in non-native invasive plant species management. Native grasses **will** be planted on the berm between the upland edge of the marsh and the trail. Benicia Parks staff **will** coordinate the planting as a community outreach and volunteer event. Parks staff **will** provide maintenance, including mowing or spot application of herbicides as needed for native grass establishment. Monitoring of hydrologic, geomorphic, and biological parameters **will** be conducted as described below. This Phase II budget contains sufficient funds for two years of monitoring. A Phase III application is anticipated, to cover an additional three years of monitoring.

c. Monitoring and Assessment Plans

Tidal Marsh Hydrology - Inundation frequency and duration **will** be measured on a continuous basis at two locations near the upland fringe of the marsh using self-contained dataloggers and pressure transducers. Salinity will be continuously measured at the same monitoring stations. Continuous measurement of salinity **will** allow the development of salinity-inundation-frequency analyses for correlation with vegetation patterns. Regional data **will** be tracked and correlated with site-specific data. The tidal record collected at the National Oceanic and Atmospheric Administration's tide gage at Port Chicago **will** be used. Excellent long-term salinity data is available from the station operated by the Department of Water Resources at Martinez, directly across the Strait. This gage is particularly useful in that

its surface and bottom sensors allow for a continuous assessment of local salinity stratification.

Tidal Geomorphology - A set of permanent cross sections **will** be established and surveyed over the monitoring period. This set **will** include at least two first-order channels, two second-order channels, and a section at the upland end of the large central channel. Surveys will be carried out at the end of the first, second, and fifth monitoring years and after any exceptional flood event. Channel development **will** be assessed through comparison of these cross sections with the “as-builts” for the project. Changes in channel planform **will** be assessed using overlays of small-scale aerial photography (from commercial flights in the area). This **will** begin with the “as-built” condition, and **will** be repeated at the end of the first, second and fifth years of monitoring.

Tidal Marsh Vegetation - Vegetation transects **will** be conducted annually at the marsh. Permanent transect locations were established in the fall of 1999 and the first set of data collected then. Transects were, and ~~will~~ be, conducted using the line-intercept method. Soil samples **will** be collected prior to construction, and at the end of the first, second, and fifth years following construction along a subset of the transects and analyzed for salinity levels, soil texture, and nutrient levels. Vegetation, soils, and hydrologic data **will** be analyzed to attempt to identify relationships between these variables and observed changes in the marsh.

Maintenance monitoring - Qualitative assessments of the restoration area **will** be conducted quarterly in the first year, and semiannually in the second and third year following construction. The potential establishment of invasive non-native plant species **will** be a primary focus of these surveys. Should invasive non-native species be observed establishing, City Parks staff **will** conduct an eradication program by weeding or spot herbicide applications, as appropriate.

Community involvement - Community involvement with the marsh restoration is an important objective of Benicia Parks and Community Services. The Benicia Waterfront Marsh offers an ideal site for school classes to conduct marsh monitoring and other marsh studies. These studies, besides the educational value, have the potential to contribute to the long-term understanding of the marsh and its development over time.

d. **Data Handling and Storage**

The results of all project monitoring **will** be compiled by the City and provided to CALFED as part of annual reports on the project. Parks and Community Services will develop a permanent archive for project information.

e. **Expected Products/Outcomes**

The primary product of *this* project **will** be an ecologically enhanced marsh. Annual monitoring reports ~~will~~ be provided to CALFED. It is also anticipated that results of project monitoring activities may be presented at various local and national restoration conferences.

f. **Work Schedule**

The proposed project schedule and annual time line is shown in *Exhibit 8*. The proposed schedule assumes a January 2001 start date. However, work could be initiated at any time.

EXHIBIT 8 - RESTORATION & MONITORING SCHEDULE

TASK DESCRIPTION													
	Months	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
YEAR 1													
1.0 Project Management/Project Support													
2.0 Soil Survey & Analysis													
3.0 Earthwork													
4.0 Platforms & Trails													
5.0 Native Grass Installation													
6.a Year 1 Monitoring (vegetation & annual report)													
6.b Year 1 Monitoring (hydrology & geomorphology)													
YEAR 2													
7.0 Year 2 Native grass and marsh maintenance													
8.0 Year 2 Monitoring (vegetation & annual report)													
9.0 Year 2 Monitoring (hydrology & geomorphology)													
YEAR 3													
10.0 Year 3 Native grass and marsh maintenance													
11.0 Year 3 monitoring (vegetation & annual report)													
12.0 Year 3 Monitoring (hydrology & geomorphology)													

The primary constraint on schedule is that construction work **will** be limited to the period of June to October to avoid potential impacts to sensitive fisheries. Earthmoving activities should require approximately one month or less, there is, therefore, significant flexibility in start date. Implementation of the restoration plan ~~will~~ begin with additional soil survey and analysis. Following the results of that analysis construction documents **will** be revised, if necessary, and bids solicited for construction. Observation platform and trail construction **will** follow earthmoving. Once **all** construction activities have been completed, the native grasses in the berm/buffer strip **will** be planted. The optimum time for planting is in the fall, after a wetting rain (generally after October 1). It is therefore anticipated that **all** construction activities can be completed in the first year of the grant. Only monitoring activities would occur in years 2 and 3 of the grant.

Given the nature of the construction project, the only activities that are reasonably separable is the construction of the observation platforms and trail improvements.

g. Feasibility

As discussed in the Project Description and Approach sections, the primary action of the restoration plan—W removal to lower certain parts of the project site to elevations better able to support marsh vegetation—is not controversial in regards to its feasibility. The greatest potential constraint on project success is the **known** presence of random pockets of hydrocarbon deposits in the marsh. As described in the Approach section, the restoration plan has been developed to avoid excavation in or near **known** pockets, but other pockets could be identified in the planned excavation areas. Additional sediment sampling **will** be conducted in proposed excavation areas prior to construction. The restoration plans have been developed with flexibility and contingency measures sufficient to cover a percentage of the excavated ~~soils~~ requiring special handling and disposal. Should amounts encountered exceed these contingencies, the quantity of excavation **will** be decreased to balance the budget. With these contingency measures and opportunities for flexibility regarding excavation areas and quantities, there should be no barrier to feasibility of construction.

The Benicia Waterfront Marsh Restoration Project was the recipient of a Phase I planning grant from CALFED in 1998, with the City of Benicia providing additional funds as a cost share. Using those combined funds a restoration plan has been developed for the site and construction drawings and specifications prepared. A Draft **Initial Study/Mitigated Negative Declaration** has been prepared to meet the requirements of CEQA and is currently under review; the U.S. Fish and Wildlife Service has indicated their intention to use a Categorical Exemption under NEPA, as the Service's only action is provision of funds. Consultations have begun with the appropriate regulatory agencies regarding permits that may be required for the project; specifically the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Regional Water Quality Control Board, and the Bay Conservation and Development Commission. Consultations with the Corps have indicated the appropriateness of Nationwide Permit Number 27 for the project, and no barriers to its use are foreseen. Although a final decision has not been made, informal consultation with the Service does not indicate the need for a permit from them. Similarly, permit negotiations are in process with the Regional Water Quality Control Board, and no ~~unresolvable~~ issues are foreseen. A permit ~~will~~ be required from the Bay Conservation and Development Commission; the project meets their requirements, and no barrier to obtaining that permit is foreseen.

D. APPLICABILITY TO CALFED ERP GOALS AND IMPLEMENTATION PLAN AND CVPIA PRIORITIES

I. ERP Goals

Implementation of the Benicia Waterfront Marsh Restoration Project ~~will~~ directly addresses Goals 4 Habitat, and 2 Ecosystem Processes and Biotic Communities, of the CALFED Strategic Plan. It secondarily or indirectly addresses Goals 1: At-Risk Species, and 5: Non-native Invasive Species. Implementation of the project **will** ecologically enhance a total of 7.4 acres—6.8 acres of tidal brackish marsh and 0.6 acres of upland native grass buffer. Included in the 6.8 acres of enhancement is restoration of 0.7 acres of middle level brackish marsh by removal of mounded fill, and the conversion of 0.23 acres of degraded middle level brackish marsh to low brackish marsh, also via removal of fill. Monitoring and control of invasive non-native species is a major component of the maintenance plan for the site. The project **will** facilitate and encourage public interaction with the site through construction of observation platforms, trail improvements, and public participation in planting and monitoring activities.

Goal 4: Restoration and enhancement of 6.8 acres of saline emergent wetlands contributes to ERP goal of restoration of 7,000 to 11,000 acres of saline emergent wetland in the Suisun Marsh/North San Francisco Bay Ecological Management Zone (ERPR 1999:131).

Goal 2: ~~Fill~~ removal, creation of pilot channels, and restoration of a portion of the site to low brackish marsh elevations contributes to Strategic Plan goals of rehabilitation of natural processes in ways that favor native communities. Monitoring of channel evolution following ~~fill~~ removal may provide new insights into natural physical processes at work in small remnant wetlands.

Goal 1: Goal 4, Habitats, and Goal 1, At-risk species, are connected. Restoration of marsh and shallow water habitat is an important component of the ERRP vision for restoration of the Bay-Delta aquatic food web (ERRP 1999:97).

Goal 5: Control of non-native invasive plant species is an integral part of the restoration maintenance plan for the project site. Invasive perennial pepperweed (*Lepidium latifolium*) is present on mounded fill and berm areas of the project. These plants **will** be removed and a regular control effort initiated as a part of this project.

Education: The project's location, adjacent to the City of Benicia's historic downtown district and to its marina, means that the site is a very high visibility area. This makes it ideal as a focal point for education and interpretation regarding marshes, the Bay-Delta system, and CALFED. Two observation platforms, at the edge of, but not in, the marsh, and improvements to the trail that follows the marsh's northern edge **will** facilitate the development of an educational and interpretive program for the marsh. Two interpretive signs are planned to accompany the platforms. Planting the native grass buffer around the marsh **will** be a community volunteer event developed and overseen by Parks and Community Services. Through coordination with local schools, educational activities **will** be incorporated into the long-term monitoring of the marsh.

2. Relationship to other ecosystem restoration projects

Phase I of this project, Restoration Planning, was funded by CALFED. While the City has sought funds from other sources, no additional funds have been secured. The project has no direct connection to any other restoration projects.

3. Request for next phase funding

Funding requested in **this** proposal is for Phase II, Implementation, of the Benicia Waterfront Marsh Restoration Project. Previous CALFED funding was received for Phase I, Restoration Planning, of the project. A summary of the existing project status is provided in Appendix A. Using CALFED and City funds restoration planning for the marsh has been completed. Construction documents (plans and specifications) have been prepared. Environmental review is nearing completion. The U.S. Fish and Wildlife Service is the lead agency for NEPA compliance, and has stated they consider the project to be Categorical Exempt. **An** Initial Study was conducted under CEQA, and a Draft Mitigated Negative Declaration has been prepared. The Mitigated Negative Declaration is currently under review. It **is** anticipated for completion and forwarding to the State Clearinghouse around June 15, initiating a **30** public comment period. Consultations have been initiated with the appropriate regulatory agencies regarding permits that may be required for the project; specifically the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Regional Water Quality Control Board, and the Bay Conservation and Development Commission. Consultations with the Corps have indicated the appropriateness of Nationwide Permit Number 27 for the project, and no barriers to its use are foreseen. Although a **final** decision has not been made, informal consultation with the Service does not indicate the need for a permit from them. A permit ~~will~~ be required from the Bay Conservation and Development Commission; the project meets their requirements, and no barrier to obtaining that permit is foreseen. Permit negotiations are in process with the Regional Water Quality Control Board.

4. Previous Recipients of CALFED Funding

Previous CALFED funding was received under FWS Agreement # 114209J030. Funds received were for Phase I, Restoration Planning, of the Benicia Waterfront Marsh Restoration Project. Current project status and the progress and accomplishments of the project to date are summarized under item 3, above, and in Appendix A.

5. System-wide Ecosystem Benefits

The project contributes to the restoration of saline emergent wetlands in the Carquinez Strait, a unique component with limited marsh restoration opportunities in the Suisun Marsh/North San Francisco Bay Ecological Management Zone (ERPR 1999:131).

E QUALIFICATIONS

The City of Benicia is the applicant for this grant. The City owns the property proposed for restoration and all adjoining property. The City's staff includes planners, engineers, and project managers with considerable background and experience in project implementation. The project ~~will~~ be administered and managed by the City's Director of Parks and Community Services, Mr. Michael Alvarez. Mr. Alvarez has extensive experience in managing construction projects and subconsultants.

The City selected EDAW, Inc. as a subcontractor to provide restoration planning and project support for this project through a competitive solicitation in March 1998. EDAW served as the lead for restoration planning conducted under Phase I of the project, and ~~will~~ continue in that role in Phase II. EDAW ~~will~~ take the lead in the scientific monitoring and evaluation of the restoration project. EDAW ~~will~~ be assisted in monitoring by Balance Hydrologics. The EDAW-Balance team developed the restoration plan for the proposed projects. Both firms have extensive experience in restoration planning, implementation, and monitoring. Brief biographical sketches of key personnel for the Benicia Waterfront Restoration Project are provided below.

Steven Patterson, Ph.D. (UCLA, 1992). (Senior Restoration Ecologist, EDAW). Dr. Steve Patterson is a restoration ecologist who has been directing and conducting biological studies and assessments for over 20 years. Dr. Patterson has developed restoration and enhancement plans for a wide range of ecosystems including freshwater marsh, salt marsh, rivers, creeks, and riparian woodland, coastal sage and dune scrub, native California grassland and oak and walnut woodland. Representative projects include Phase I of the Benicia Waterfront Marsh Restoration Project, Benicia, California; the Upper Truckee River and Wetland Restoration Project for the California Tahoe Conservancy, South Lake Tahoe, California; biological, regulatory permitting, and mitigation planning input to the Santa Clara Valley Water District's Stream Maintenance Program, Santa Clara County, California; brackish marsh restoration plan for the Mallard Slough Pump Station and Pipeline Project; habitat enhancement and restoration plans for a broad spectrum of California plant communities as part of the Habitat Conservation Plan (HCP) for the Statewide Electrified Fence Project for the California Department of Corrections; Habitat Restoration Plan for the Sepulveda Basin Wildlife Area, Los Angeles, CA; and the environmental analysis portion of the Los Angeles River Engineering Alternatives Feasibility Analysis for the Los Angeles County Department of Public Works.

Barry Hecht, Ph.D. Cand. (UC Berkeley, 1975). (Principal Hydrologist, Balance Hydrologics). Mr. Hecht has directed specialized investigations of complex hydrogeologic, water-quality, water-rights, and recharge-management issues for more than 20 years. Principal areas of activity are habitat hydrology, recharge and other surface/ground water interaction, channel stability, and effects of land-use practices on surface and shallow ground waters. Publications include: Hecht, B., White, C., Owens, J., and Kittleson, G., 1997, Hydrology of Kimball Island and Proposed Geomorphic Criteria to Promote Channel Stability. Balance Hydrologics, Inc., report number 97012. Prepared for Wildlands, Inc.; and, White, C., Owens, J., and Hecht, B., 1998, A Hydrologic Feasibility Assessment of Wetland Restoration at the Port of Oakland's Damon Slough and EZBH Sites, Oakland, California. Balance Hydrologics, Inc., project number 98014. Prepared for the Port of Oakland Environmental Planning Department.

Edward Ballman, MEng (UC Berkeley, 1998). (Civil Engineer/Hydrologist, Balance Hydrologics). Mr. Ballman applies his diverse technical skills to a wide range of hydrologic and hydraulic analyses and design problems. His strong background in water resources computer applications allows him to develop models for surface and groundwater analyses. His work in this regard has spanned a range in scale from entire watersheds to particular storm drains and culverts. He also has direct experience in coupling physical modeling with computer simulations to verify and calibrate results. His background in chemistry finds direct application in water quality applications such as storm runoff treatment, nutrient balances, and contamination transport.

F. COST

I. Budget

A detailed budget has been prepared for each year of the three years of requested funding. Table 1 summarizes project expenses. Backup spreadsheets follow for earthwork related construction, observation platform and trail improvement construction, and for EDAW, as a major subconsultant to the City. Additional explanation of certain subtasks is provided below.

Covered in Task 1, Project Management/Project Support, is restoration-related support and consultation to the City during soil survey and testing, refinement (if necessary) of bid documents, and during the process of construction. Meetings with the City and other subcontractors are included.

The costs of earthwork-related construction, Task 3, includes a large contingency to cover the potential costs associated with removal of hydrocarbon contaminated soil. The construction documents developed for the project include provisions for excavation of contaminated material and capping of excavation with clean fill, should any additional deposits be identified. The construction budget contains contingency measures and assumes that a portion of the fill will be contaminated and require special handling and disposal. Should quantities exceed the amounts budgeted for, a particular channel or channels may be left unexcavated to balance the budget. Should no additional contamination be discovered, the project could be constructed for less.

Costs for Task 5, Native Grass Installation, were established as follows. The City of Benicia Parks and Community Services will oversee installation of native grasses in the marsh buffer area as an in-kind services cost share. EDAW will assist the City by providing native plant restoration and invasive non-native species control advice and instruction to Parks staff. EDAW will assist the City in oversight of grass installation. Installation costs were calculated at the City's standard installation rate of \$1.25/sq. ft, minus the cost of the plants. Maintenance costs were established using the City's standard maintenance cost of \$0.20/ sq. ft.

Travel costs include mileage and per diem costs for meetings with the City and other subcontractors, City staff training, monitoring field surveys, and so forth. Supplies include field survey materials, maps, photographic supplies, photocopying and printing, postage and delivery, and other expendable items. Purchase of native grass seedlings is shown as a supply cost.

Overhead rates are expressed as a percentage of salary. EDAW benefits are included in its overhead rate. The expressed overhead rate includes general overhead (rent, utilities, general office supplies), administrative overhead (non-project administrative staff and services), insurance, benefits, and, when applicable, profit. It does not include project specific mileage, per diem, deliveries, supplies, communications, reproduction, and printing, all of which are direct costs.

The applicant is the City of Benicia, through its Parks and Community Services Department. Departmental administrative costs will not be charged to the cost of this project. The City will provide cost sharing in the amount of \$67,926. Forty thousand dollars will be applied as a cash contribution toward project costs; \$17,926 will be provided as in-kind services.

Table 1. Benicia Phase II. Summary Budget

Year	Task	Description	Direct Labor Hours	Subject to Overhead			Exempt from Overhead			City Cost Share	Cost to CALFED	Total Cost
				Salary	Benefits	Overhead (2.04)	Travel	Supplies & Expendables	Service Contracts			
1	1	Project Management/Project Support	122	\$3,394		\$6,925	\$640				\$11,359	\$11,359
	2	Soil Survey & Analysis	122	\$3,394		\$6,925	\$640	\$400		\$20,000	\$10,000	\$30,000
	3	Earthwork							\$328,250	\$20,000	\$308,250	\$328,250
	4	Platforms & Trails							\$30,000		\$86,020	\$86,020
	5	Native Grass Installation	60	\$1,368		\$2,791	\$480	\$15,500			\$86,020	\$86,020
	5a	Native Grass Installation								\$17,470	\$20,139	\$37,609
	6a	Year 1 Monitoring vegetation & annual report	151	\$3,302		\$6,737	\$480	\$300			\$10,819	\$10,819
	6b	Year 1 Monitoring--hydrology & geomorphology							\$18,450		\$18,450	\$18,450
		Totals, Year 1		\$8,064	\$0	\$16,453	\$1,600	\$16,200	\$462,720	\$0	\$57,470	\$522,507
2	7	Year 2 Native grass and marsh maintenance								\$5,228		\$5,228
	8	Year 2 Monitoring vegetation & annual report	151	\$3,302		\$6,737	\$320	\$300			\$10,659	\$10,659
	9	Year 2 Monitoring hydrology & geomorphology							\$7,950		\$7,950	\$7,950
		Totals, Year 2		\$3,302	\$0	\$6,737	\$320	\$300	\$7,950	\$0	\$5,228	\$23,837
3	10	Year 3 Native grass and marsh maintenance								\$5,228		
	11	Year 3 Monitoring--vegetation & annual report	151	\$3,302		\$6,737	\$320	\$300			\$10,659	\$10,659
	12	Year 3 Monitoring hydrology & geomorphology							\$7,950		\$7,950	\$7,950
		Totals, Year 3		\$3,302	\$0	\$6,737	\$320	\$300	\$7,950	\$0	\$5,228	\$23,837
Total Project Cost				\$14,668	\$0	\$29,927	\$2,240	\$16,800	\$478,620	\$0	\$67,926	\$570,181

**BENICIA WATERFRONT MARSH RESTORATION PROJECT
EARTHWORK CONSTRUCTION COST ESTIMATE**

ENGINEER'S ESTIMATE OF CONSTRUCTION COSTS					
ENICIA WATERFRONT MARSH RESTORATION PROJECT					05/15/00
#	DESCRIPTION	QTY.	UNIT	UNIT COST	TOTAL
MOBILIZATION / DEMOBILIZATION					
1	MOBILIZATION / DEMOBILIZATION	1	LS	\$20,000	\$20,000
EARTHWORK					
1	CHANNEL EXCAVATION	900	CY	\$10.00	\$9,000
2	EXCAVATION (UPLAND)	2,200	CY	\$10.00	\$22,000
3	OVER-EXCAVATION OF CONTAMINATED SOIL	400	CY	\$20.00	\$8,000
4	DISPOSAL OF CONTAMINATED SOIL	1,200	CY	\$100.00	\$120,000
5	BERM CONSTRUCTION	2,300	CY	\$12.00	\$27,600
6	EROSION CONTROL	1	LS	\$12,000.00	\$12,000
7	DEBRIS BASIN	1	LS	\$8,000.00	\$8,000
SUBTOTAL					\$226,600
CONTINGENCY (25%)					\$56,650
SURVEYING & CONSTRUCTION SUPPORT					\$45,000
SOIL SURVEY AND ANALYSIS					\$30,000
TOTAL					\$358,250

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**BENICIA WATERFRONT MARSH RESTORATION PROJECT
OBSERVATION PLATFORMS AND TRAIL IMPROVEMENTS**

ESTIMATE OF CONSTRUCTION COSTS					
BENICIA WATERFRONT MARSH RESTORATION PROJECT					05/15/00
#	DESCRIPTION	QTY.	UNIT	UNIT COST	TOTAL
1	MOBILIZATION				
	Contractor Set-up	1	LS	\$1,500.00	\$1,500
2	DEMOLITION				
	Clear & Grub - Path & Platform Footing	15,600	SF	\$0.20	\$3,120
3	EARTHWORK				
	Rough & Fine Grading	15,600	SF	\$0.25	\$3,900
4	SITE WORK				
	Stabilized Decomposed Granite Path	15,000	SF	\$1.50	\$22,500
	Class II Aggregate Base - Path & Platform	250	CY	\$12.00	\$3,000
	Rip Rap at Platform	8	CY	\$25.00	\$200
	Lightweight Fill at Platform	12	CY	\$65.00	\$780
5	CARPENTRY				
	Observation Platform (Grade Beam)	2	EA	\$6,250.00	\$12,500
	Observation Platform (Decking)	700	SF	\$17.00	\$11,900
	Observation Platform (Railing - Metal)	2	LS	\$2,800.00	\$5,600
	Observation Platform (Railing - Wood)	2	LS	\$1,800.00	\$3,600
6	SITE FURNITURE				
	Bench	4	EA	\$900.00	\$3,600
	Trash Can	2	EA	\$700.00	\$1,400
	Interpretive Sign	2	EA	\$2,300.00	\$4,600
7	TOTAL			\$0.00	\$78,200
	Contingency (5%)				\$7,820
	GRAND TOTAL				\$86,020

**Benicia Phase II
EDAW Budget**

	Staff \$ Rate/Hr	Alling Principal	Patterson Sr. Rest. Ecol	Argo Botanist	Services	Graphics	WP	Admin	EDAW Directs	Task Totals		Overhead 2.04 ¹	Total Cost ²
		\$58.66	\$32.05	\$18.18		\$21.20	\$21.70	\$24.73		Hours	Labor Cost Direct Cost		
LABOR TASKS													
1 Project Mang./Proj. Support Directs	12	40	40				20	10		122	3,394	6,925	11,359
									1,040		1,040		
5 Native Grass Installation Directs	0	20	40				0			60	1,368	2,791	4,939
									780		780		
5a Year 1 Monitoring--vegetation & annual report Directs	4	20	100			9	9	9		151	3,302	6,737	10,819
									780		780		
8 Year 2 Monitoring--vegetation & snnual report Directs	4	20	100			9	9	9		151	3,302	6,737	10,819
									780		780		
11 Year 3 Monitoring--vegetation & annual report Directs	4	20	100			9	9	9		151	3,302	6,737	10,819
									780		780		
TOTAL LABORHOURS		24	120	380		27	47	37		635	18,830	29,926	48,755
NOTES:													

G. LOCAL INVOLVEMENT

The City of Benicia owns the property proposed for restoration and adjoining property. The proposed project is part of a public review process that spans almost a decade. The project enjoys widespread public support. The current City Council's resolution of support for the submission of this Phase II proposal is attached. The project is an integral component of the City's long-term vision for the waterfront and has been incorporated into all its planning for the area.

Planning for the Benicia Waterfront Marsh Restoration Project began in 1991 when the City of Benicia developed an Urban Waterfront Restoration Plan for its historic waterfront area (City of Benicia 1991). Marsh improvement was one of the key components of that plan, along historic building rehabilitation, and other actions. A conceptual restoration plan for the marsh was prepared in 1992 (Philip Williams & Associates 1992). A Hazardous Materials Site Assessment was prepared by Harding Lawson Associates in 1993. In 1997 the City's Parks and Community Services Department completed a Master Plan for Parks, Trail, and Open Space which included a trail along the northern (upland) edge of marsh (EDAW 1997). In 1998 the City applied for and received CALFED funding to develop a final restoration plan for the marsh and conduct required environmental review and permitting for the project. That contract was executed in February 1999.

Additional public notice **will begin** with publication of the Mitigated Negative Declaration and a **30** day public comment period. Notice of the Negative Declaration is planned for ca. June 15, 2000.

Benicia Parks and Community Services further intends, as an integral component of the project, to develop a public outreach and volunteer program for the marsh restoration. This **will** involve local schools, community groups, and the general public in native grass plantings at the site as well as in monitoring and other educational activities. These programs **will** begin concurrently with physical restoration activities at the marsh.

RESOLUTION NO. 00- 58

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEMCIA
AUTHORIZING THE SUBMITTAL OF A PROPOSAL TO THE 2000 CALFED BAY-
DELTA ECOSYSTEM RESTORATION PROGRAM TO IMPROVE THE AQUATIC
AND TERRESTRIAL HABITAT ALONG THE CARQUINEZ STRAIT SHORELINE**

WHEREAS, the City of Benicia actively seeks cooperative opportunities to work with other agencies on project that benefit resources, parks and wildlife in Benicia; and

WHEREAS, the State/Federal program known as CALFED has requested proposals for projects supporting water quality and habitat enhancements in the Bay-Delta area.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby declares the intent of submitting a proposal to the CALFED grant program consistent with the program priorities of water quality enhancement and habitat protection and restoration.

BE IT FURTHER RESOLVED that the City Council authorizes and directs the City Manager to prepare and submit such proposal as is appropriate to address the Benicia Waterfront Marsh Restoration Project.


BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed, on behalf of the City to execute and deliver such documents and to do such acts as necessary or appropriate to accomplish the intentions of this resolution

On motion of Council Member **Whitney**, seconded by Council Member **Corbaley**,
the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 2nd day of May, 2000, and adopted by the following vote:

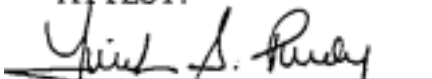
Ayes: Councilmembers Bidou, Corbaley, Gizzi, Whitney and Mayor Messina

Noes: **None**

Absent: **None**


Steve Messina, Mayor

ATTEST:


Linda S. Purdy, City dlerk

H. COMPLIANCE WITH STANDARD TERMS AND CONDITIONS

The City of Benicia ~~will~~ comply with all applicable state or federal standard contracting terms. State and federal forms are attached, as required.

NONDISCRIMINATION COMPLIANCE STATEMENT

STD. 19 (REV. 3-95)

COMPANY NAME

City of Benicia

The company named above (hereinafter referred to as "prospective contractor") hereby certifies, unless specifically exempted, compliance with Government Code Section 12990 (a-f) and California Code of Regulations, Title 2, Division 4, Chapter 5 in matters relating to reporting requirements and the development, implementation and maintenance of a Nondiscrimination Program. Prospective contractor agrees not to unlawfully discriminate, harass or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), medical condition (cancer), age (over 40), marital status, denial of family care leave and denial of pregnancy disability leave.

CERTIFICATION

I, the official named below, hereby swear that I am duly authorized to legally bind the prospective contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

OFFICIAL'S NAME

Otto Wm. Giuliani

DATE EXECUTED

May 15, 2000

EXECUTED IN THE COUNTY OF

Solano

PROSPECTIVE CONTRACTOR'S SIGNATURE

PROSPECTIVE CONTRACTOR'S TITLE

City Manager

PROSPECTIVE CONTRACTOR'S LEGAL BUSINESS NAME

City of Benicia

Agreement No.: _____

Exhibit: _____

NONCOLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID FOR PUBLICWORKS

STATE OF CALIFORNIA)
) ss
COUNTY OF _____)

Otto Wm. Giuliani, being first duly sworn, deposes and says
(name)

that he or she is _____ City Manager _____ of _____
(position title)

City of Benicia
(the bidder)

the party making the foregoing bid; that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false sham bid; and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

DATED: May 15, 2000

B. [Signature]
(Person signing for bidder)



Subscribed and sworn to before me on

May 15, 2000
 Lois E. Henderson
 (Notary Public)

Attachment E

Federal Contracting Forms

If you would like to research the governing circulars or would like copies of them, the OMB website is "<http://www.whitehouse.gov/OMB/circulars/index.html>". The Washington, D.C. publications ordering telephone number, (202) 395-7332. The following circulars may be relevant to your proposal.

- Circular A-21, Revised October 27, 1998, "Cost Principles For Educational Institutions"
- Circular A-110, Revised August 29, 1997, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations"
- Circular A-133, Revised June 24, 1997, "Audits of States, Local Governments, and Non-profit Organizations"
- Circular A-87, Revised August 29, 1997, "Cost Principles for State, Local and Indian Tribal Governments"
- Circular A-102, Revised August 29, 1997, "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments"
- Circular A-133, Revised June 24, 1997, "Audits of States, Local Governments, and Non-profit Organizations"
- Circular A-110, Revised August 29, 1997, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-profit Organizations"
- Circular A-122, Revised May 19, 1998, "Cost Principles for Non-profit Organizations"
- Circular A-133, Revised June 24, 1997, "Audits of States, Local Governments, and Non-profit Organizations"
- All agreements with organizations other than those indicated above shall be in accordance with the basic principles of OMB Circular A-110, and cost principles shall be in accordance with **Part 31** of the Federal Acquisition Regulations, Subpart 31.2 entitled, "Contracts with Commercial Organizations."

Standard USBR Financial Assistance Agreement Language.

REGULATIONS AND GUIDANCE The regulations at 43 CFR, Part 12, Subparts A - F are hereby incorporated by reference as though set forth in full text. The following Office of Management and Budget (OMB) Circulars, as applicable, and as implemented by 43 CFR Part 12, are also incorporated by reference and made a part of this agreement. Failure of a recipient to comply with any provision may be the basis for withholding payments for proper charges made by the recipient and for termination of support. Copies of OMB Circulars are available on the Internet at <http://www.whitehouse.gov/OMB/circularindex.html>. The implementation of the circulars at 43 CFR Part 12 is available at <http://www.access.gpo.gov/nardcfr/index.html>.

- a. Agreements with colleges and universities shall be in accordance with the following circulars:

Circular A-21, Revised October 27, 1998, "Cost Principles For Educational Institutions"

Circular A-110, Revised August 29, 1997, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations"

Circular A-133, Revised June 24, 1997, "Audits of States, Local Governments, and Non-profit Organizations"

b. Agreements with State and local governments shall be in accordance with the provisions of the following circulars:

Circular A-87, Revised August 29, 1997, "Cost Principles for State, Local and Indian Tribal Governments"

Circular A-102, Revised August 29, 1997, "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments"

Circular A-133, Revised June 24, 1997, "Audits of States, Local Governments, and Non-profit Organizations"

c. Agreements made with non-profit organizations shall be in accordance with the following circulars and provisions:

Circular A-110, Revised August 29, 1997, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-profit Organizations"

Circular A-122, Revised May 19, 1998, "Cost Principles for Non-profit Organizations"

Circular A-133, Revised June 24, 1997, "Audits of States, Local Governments, and Non-profit Organizations".

d. All agreements with organizations other than those indicated above shall be in accordance with the basic principles of OMB Circular A-110, and cost principles shall be in accordance with Part 31 of the Federal Acquisition Regulations, Subpart 31.2 entitled, "Contracts with Commercial Organizations."

MODIFICATIONS. Any changes to this Agreement shall be made by means of a written modification. Changes dealing with administrative matters (such as in paying office, changes of address, etc.) may be made by a unilateral modification. A modification issued solely for funding a Federal Fiscal Year may also be made unilaterally. Any other changes shall be made' by a bilateral modification (signed by both parties). No written statement by any other person than the Grants and Cooperative Agreements Officer, and no oral statement of any person, shall be allowed in any manner or degree to modify or otherwise effect the terms of the Agreement.

ELECTRONIC FUNDS TRANSFER. In accordance with the Debt Collection Improvement Act of 1996, 31 CFR 208, effective January 2, 1999 all Federal payments to recipients must be

made by Electronic Funds Transfer (EFT) unless a waiver has been granted in accordance with 31 CFR 208.4. Upon award of a financial assistance agreement, Reclamation ~~will~~ provide the recipient with further instructions for implementation of EFT payments or a certification form to request exemption from EFT.

ASSURANCES INCORPORATED BY REFERENCE. The provisions of the Assurances executed by the Recipient in connection with this agreement shall apply with full force and effect to this agreement as if fully set forth in these General Provisions. Such Assurances include, but are not limited to, the promise to comply with all applicable Federal statutes and orders relating to nondiscrimination in employment, assistance, and housing; the Hatch Act; Federal wage and hour laws and regulations and work place safety standards; Federal environmental laws and regulations and the Endangered Species Act; and Federal protection of rivers and waterways and historic and archeological preservation.

COVENANT AGAINST CONTINGENT FEES. The recipient warrants that no person or agency has been employed or retained to solicit or secure this agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide offices established and maintained by the recipient for the purpose of securing agreements or business. For breach or violation of this warranty, the Government shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement amount, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

CONTRACTING WITH SMALL AND MINORITY FIRMS, AND WOMEN'S BUSINESS ENTERPRISES. It is a national policy to award a fair share of contracts to small and minority business firms. The Department of the Interior is strongly committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness.

a. The grantee and subgrantee shall take all necessary affirmative steps to ~~assure~~ that minority firms, and women's business enterprises are used when possible.

b. Affirmative steps shall include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
- (5) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce as appropriate, and

- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in b.(1) through (5) above.

NOTICE REGARDING BUY AMERICAN ACT. In accordance with Section 502 of Pub.L. 105-245 (112 STAT. 1855), as implemented by 43 CFR 12.710, please be advised of the following:

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

RESOLVING DISAGREEMENTS. When entering into a cooperative agreement with a recipient, Reclamation commits itself to working with the recipient in a harmonious manner to achieve the objectives of the project successfully. When disagreements arise between the parties, they must be resolved according to the procedures discussed below:

- a. Reclamation shall attempt first to resolve disagreements with the recipient through informal discussion among the Grants or Contract Specialist, the Program Officer, and the recipient's Project Director.
- b. If the disagreement cannot be resolved through informal discussion between these parties, the Grants Specialist and the Program Officer shall document the nature of the disagreement and bring it to the attention of the Grants Officer.
- c. After reviewing the facts of the disagreement, as presented by the Grants and Program Offices, the Grants Officer will arrange a formal meeting. If agreement still cannot be reached, the parties will collectively decide on any varied approaches which might be used to resolve the disagreement. The parties shall be responsible for their individual expenses related to any approach utilized to resolve the disagreement. If attempts at resolving the disagreement fail, the Regional Director shall make a decision which shall be final and conclusive.
- d. Nothing herein shall be construed to delay or limit Reclamation's right to take immediate and appropriate action, as set forth at 43 CFR, Subpart 12.83, in the event of material noncompliance by the recipient, and no attempts at informal resolution shall be necessary.

Any post award issue will be open for resolution in accordance with the above procedures, with the exception of disagreements regarding continuation of the agreement (since either party may terminate the agreement with the specified notice), or other matters specifically addressed by the agreement itself.

TERMINATION OF THE AGREEMENT. Termination of this agreement, either for cause or convenience, will be in accordance with the termination provisions of the applicable OMB Circular.

LOBBYING RESTRICTIONS. In accordance with Section 501 of Pub.L. 105-245, Energy and Water Development Appropriation Act, FY 1999, as implemented by 43 CFR Part 12, Subpart A, please be advised of the following:

Recipient shall not use any of the funds from the Energy and Water Development Appropriation Act, FY 2000, directly or indirectly, to influence Congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of Title 18, United States Code.

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED 05/15/00	Applicant Identifier
3. DATE RECEIVED BY STATE		State Application Identifier	
4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier	

5. APPLICANT INFORMATION

Legal Name: City of Benicia Address (give city, county, State, and zip code): 250 East L Street Benicia, CA 94510	Organizational Unit: Parks and Community Services Name and telephone number of person to be contacted on matters involving this application (give area code): Mike Alvarez 707/746-4287
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6. EMPLOYER IDENTIFICATION NUMBER (EIN):

94-6000298

7. TYPE OF APPLICANT: (enter appropriate letter in *box*) C

A. State	H. Independent School Dist.
B. <u>County</u>	I. State Controlled Institution of Higher Learning
C. Municipal	J. Private University
D. Township	K. Indian Tribe
E. Interstate	L. Individual
F. Intermunicipal	M. Profit Organization
G. Special District	N. Other (Specify) _____

8. TYPE OF APPLICATION:
☒ New ☐ Continuation ☐ Revision
 if Revision, enter appropriate letter(s) in box(es)
 A. Increase Award B. Decrease Award C. Increase Duration
 D. Decrease Duration Other(specify): _____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:
 Benicia Waterfront Marsh Restoration Project

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):
 City of Benicia, Solano County, CA

13. PROPOSED PROJECT Restoration	14. CONGRESSIONAL DISTRICTS OF: City of Benicia
--------------------------------------------	-----------------------------------------------------------

15. ESTIMATED FUNDING: <table style="width:100%;"> <tr> <td style="width:20%;">a. Federal</td> <td style="width:10%;">\$</td> <td style="width:10%; text-align: right;">00</td> <td style="width:60%;"></td> </tr> <tr> <td>b. Applicant</td> <td>\$</td> <td style="text-align: right;">00</td> <td style="text-align: right;">502,255.00</td> </tr> <tr> <td>c. State</td> <td>\$</td> <td style="text-align: right;">00</td> <td style="text-align: right;">67,920.00</td> </tr> <tr> <td>d. Local</td> <td>\$</td> <td style="text-align: right;">00</td> <td></td> </tr> <tr> <td>e. Other</td> <td>\$</td> <td style="text-align: right;">00</td> <td></td> </tr> <tr> <td>f. Program Income</td> <td>\$</td> <td style="text-align: right;">00</td> <td></td> </tr> <tr> <td>g. TOTAL</td> <td>\$</td> <td style="text-align: right;">00</td> <td style="text-align: right;">510,181.00</td> </tr> </table>	a. Federal	\$	00		b. Applicant	\$	00	502,255.00	c. State	\$	00	67,920.00	d. Local	\$	00		e. Other	\$	00		f. Program Income	\$	00		g. TOTAL	\$	00	510,181.00	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372 <input checked="" type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
a. Federal	\$	00																											
b. Applicant	\$	00	502,255.00																										
c. State	\$	00	67,920.00																										
d. Local	\$	00																											
e. Other	\$	00																											
f. Program Income	\$	00																											
g. TOTAL	\$	00	510,181.00																										

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
☐ Yes If "Yes," attach an explanation. ☒ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative Otto Wm. Giuliani	b. Title City Manager	c. Telephone Number 707-746-4210
d. Signature of Authorized Representative 		e. Date Signed May 15, 2000

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Self-explanatory. | 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 2. | Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable). | 13. | self-explanatory. |
| 3. | State use only (if applicable). | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | | |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | | |
| 7. | Enter the appropriate letter in the space provided. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided: | | |
| | -- "New" means a new assistance award. | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| | -- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. | | |
| | -- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | |

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BUDGET INFORMATION - Non-Construction Programs

OMB Approval NO. 0348-0044

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. Totals		\$	\$	\$	\$	\$

SECTION B - BUDGET CATEGORIES					
6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	\$	\$	\$	\$	\$

7. Program Income	\$	\$	\$	\$	\$
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Standard Form 424A (Rev. 7-97)
Prescribed by OMB Circular A-102

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SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	5	5	\$	5
9.				
10.				
11.				
12. TOTAL (sum of lines 8-11)	\$	\$	\$	\$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$	\$
14. Non-Federal					
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	5	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	\$	5	\$	5
17.				
18.				
19.				
20. TOTAL (sum of lines 16-19)	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	

INSTRUCTIONS FOR THE SF-424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0044), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the Catalog program title and the Catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the Catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the Catalog program title on each line in Column (a) and the respective Catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For new applications, leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 - Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a-i - Show the totals of Lines 6a to 6h in each column.

Line 6j - Show the amount of indirect cost

Line 6k - Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program

INSTRUCTIONS FOR THE SF-424A (continued)

narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines **8-11** Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the contribution to be made by the applicant.

Column (c) - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d).

Line **12** - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line **13** - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line **14** - Enter the amount of cash from all other sources needed by quarter during the first year.

Line **15** - Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines **16-19** - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line **20** - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line **21** - Use this space to explain amounts for individual direct object class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line **22** - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line **23** - Provide any other explanations or comments deemed necessary.

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award: and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 554728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

NOT APPLICABLE

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §57401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and. (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OM6 Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	\$ 11,359 .00	\$.00	\$.00
2. Land, structures, rights-of-way, appraisals, etc.	\$.00	\$.00	\$.00
3. Relocation expenses and payments	\$.00	\$.00	\$.00
4. Architectural and engineering fees	\$.00	\$.00	\$.00
5. Other architectural and engineering fees	\$.00	\$.00	\$.00
6. Project inspection fees	\$.00	\$.00	\$.00
7. Site work	\$.00	\$.00	\$.00
8. Demolition and removal	\$.00	\$.00	\$.00
9. Construction	\$ 424,409 .00	\$.00	\$.00
10. Equipment	\$.00	\$.00	\$.00
11. Miscellaneous	\$ 66,487 .00	\$.00	\$.00
12. SUBTOTAL (sum of lines 1-71)	\$.00	\$.00	\$.00
13. Contingencies	\$.00	\$.00	\$.00
14. SUBTOTAL	\$.00	\$.00	\$.00
15. Project (program) income	\$.00	\$.00	\$.00
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ 502,255 .00	\$.00	\$.00
FEDERAL FUNDING			

17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter the resulting Federal share.	Enter eligible costs from line 16c. Multiply X _____ %	\$.00
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INSTRUCTIONS FOR THE SF-424C

Public reporting burden for this collection of information is estimated to average **180** minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (**0348-0041**), Washington, DC **20503**.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This sheet is to be used for the following types of applications: (1) "New" (means a new [previously unfunded] assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal Government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount, there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no **cost**) changes. If you have questions, please contact the Federal agency.

Column a. - If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through **16** (as applicable) under "COST CLASSIFICATION."

If this application entails a change to an existing award, enter the eligible amounts approved under the previous award for the items under "COST CLASSIFICATION."

Column b. - If this is an application for a "New" project, enter that portion of the cost of each item in Column a. which is *not* allowable for Federal assistance. Contact the Federal agency for assistance in determining the allowability of specific costs.

If this application entails a change to an existing award, enter the adjustment [+ or (-)] to the previously approved costs (from column a.) reflected in this application.

Column. - This is the net of lines 1 through **16** in columns "a." and "b."

Line 1 - Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchases of land which is allowable for Federal participation and certain services in support of construction of the project.

Line 2 - Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line 3 - Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line 4 - Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line 5 - Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line 6 - Enter estimated engineering inspection costs.

Line 7 - Enter estimated costs of site preparation and restoration which are not included in the basic construction contract.

Line 9 - Enter estimated cost of the construction contract.

Line 10 - Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line 11 - Enter estimated miscellaneous costs.

Line 12 - Total of items 1 through 11.

Line 13 - Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)

Line 14 - Enter the total of lines 12 and 13.

Line 15 - Enter estimated program income to be earned during the grant period, e.g., salvaged materials, etc.

Line 16 - Subtract line 15 from line 14.

Line 17 - This block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, Column "c." by the Federal percentage share (this may be up to **100 percent**; consult Federal agency for Federal percentage share) and enter the product on line 17.

ASSURANCES - CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.


PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 		TITLE City Manager	
APPLICANT ORGANIZATION City of Benicia Parks and Community Services		DATE SUBMITTED May 15, 2000	

U.S. Department of the Interior

Certifications Regarding Debarment, Suspension and
Other Responsibility Matters, Drug-Free Workplace
Requirements and Lobbying

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used; use this form for certification and sign; or use Department of the Interior Form 1954 (DI-1954). (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements- Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12.)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

PART A Certification Regarding Debarment, Suspension, and Other Responsibility Matters -
Primary Covered Transactions

CHECK ☐ IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) ~~Are not presently debarred~~, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) ~~Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;~~
 - (c) ~~Are not presently indicted for or otherwise~~ criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) ~~Have not within a three year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.~~
- (2) ~~Where the prospective~~ primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
-

PART B Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -
Lower Tier Covered Transactions

CHECK ☐ IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, ~~suspended~~, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) ~~Where the prospective~~ lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK ☐ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) ~~Publishing a statement notifying~~ employees that the unlawful manufacture, distribution, dispensing, possession, or use of a ~~controlled substance is prohibited~~ in the grantee's workplace and specifying the actions that ~~will~~ be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) ~~Making it a requirement that each~~ employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) ~~Notifying the employee~~ in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - ☒ Abide by the terms of the statement; and
 - (2) ~~Notify the employer in writing of~~ his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) ~~Notifying the agency in writing~~, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working. unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) ~~Taking one of the following actions~~, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is ~~so~~ convicted --
 - (1) ~~Taking appropriate personnel action~~ against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) ~~Requiring such employee to participate~~ satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) ~~Making a good faith effort to continue~~ to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Foot of First Street

Check ☐ if there are workplaces on file that are not identified here.

PART D: Certification Regarding Drug-Free Workplace Requirements

CHECK ☐ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL

Alternate II. (Grantees Who Are Individuals)

- (a) ~~The grantee~~ certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) ~~If convicted of a criminal drug offense~~ resulting from a violation occurring during the conduct of any grant activity, he or she ~~will report the conviction, in writing~~, within 10 calendar days of the conviction, to the grant officer or other designee, **unless** the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

DI-2010
March 1995
(This form Consolidates DI-1953, DI-1954,
DI-1955, DI-1956 and DI-1953)

PARTE: Certification Regarding Lobbying
Certification for Contracts, Grants, Loans, and Cooperative Agreements

CHECK ☐ IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND
THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT,
SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK ☐ IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL
LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR
SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.

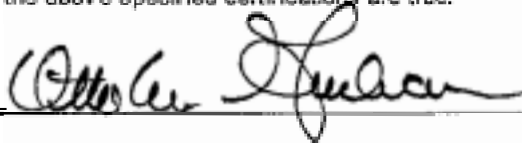
The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL



TYPED NAME AND TITLE

Otto Wm. Giuliani, City Manager

DATE

May 15, 2000

I. LITERATURE CITED

- Atwater, B.F. and C.W. Hedel. 1976. Distribution of seed plants with respect to tide levels and water salinity in the natural tidal marshes of the northern San Francisco Bay Estuary, California. Open file Rep. 76-389. U.S. Geological Survey. Menlo Park, CA. 41 pp.
- Atwater, B.F., S.G. Conrad, J.N. Dowden, C.W. Hedel, R.L. MacDonald, and W. Savage. 1979. History, landforms, and vegetation of the estuary's tidal marshes. pp. 347-386 in T.J. Conomos (ed.) San Francisco Bay: the urbanized estuary. Pacific Division, Am. Assoc. Adv. Sci., San Francisco, CA.
- City of Benicia. 1991. Negative Declaration. Benicia Marina Restoration Plan Public Improvement Project. March 15, 1991.
- EDAW. 1999. Unpublished field notes summary. Vegetation transects at Benicia Waterfront Marsh. Oct. 1 and Oct. 28, 1999. EDAW, 2022 J Street, Sacramento, CA 95814.
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- Harding Lawson Associates. 1993. Draft Hazardous Materials Site Assessment. Marsh Restoration Project. Benicia, CA. Prepared by: Harding Lawson Associates. February 26, 1993.
- Hecht, B., White, C., Owens, J., and Kittleson, G., 1997, Hydrology of Kimball Island and Proposed Geomorphic Criteria to Promote Channel Stability. Balance Hydrologics, Inc., report number 97012. Prepared for Wildlands, Inc. 24 p. + tables, figures, and appendices.
- Josselyn, M. 1983. The ecology of San Francisco Bay tidal marshes: a community profile. U.S. Fish and Wildlife Service, Division of Biological Services, Washington, D.C. FWS/OBS-83/23. 102 pp.
- Leopold, L.B., Collins, L., and Inbar, M., 1984, Channel and flow relationships in tidal salt marsh wetlands: California Water Resources Center Project UCAL-WRC-W-629, 7 p.
- Pestrong, R., 1965, The development of drainage patterns on tidal marshes: Stanford Univ. Publications Geol. Sciences, v. X, no. 2. 87 p.
- Philip Williams & Associates. 1992. A Restoration Plan for the Benicia Waterfront Marsh. Prepared for the City of Benicia. June 3, 1992.
- San Francisco Bay Conservation and Development Commission. 1988. Mitigation: an analysis of tideland restoration projects in San Francisco Bay. 74 p.
- Titus, J.G., and Narayanan, V.K., 1995, The probability of sea level rise: U.S. Environmental Protection Agency publication 230-R-95-008, 181 p.

United States. Coast and Geodetic Survey. Preliminary chart of San Pablo Bay, California, The Survey, 1856 New York, scale 1:50,000 1 map; no. 50., United States. Coast and Geodetic Survey Chart ;no. 50.

Ustin, S.L., R.W. Pearq, and D.E. Bayer. 1982. Plant water relations ~~in~~ a San Francisco Bay Salt Marsh. Bot. Gaz. 143:368-373.

White, C., Owens, J., and Hecht, B., 1998, A Hydrologic Feasibility Assessment of Wetland Restoration at the ~~Port of~~ Oakland's Damon Slough and EZBH Sites, Oakland, California. Balance Hydrologics, Inc., project number 98014. Prepared for the ~~Port of~~ Oakland Environmental Planning Department. 25 p. + tables, figures and appendices.

J. THRESHOLD REQUIREMENTS

All threshold documents are completed and attached. A Letter of Notification has been sent to the Bay Conservation and Development Commission. A copy ~~is~~ provided.

Environmental Compliance Checklist

All applicants must fill out this Environmental Compliance Checklist. Applications must contain answers to the following questions to be responsive and to be considered for funding. Failure to answer these questions and include them with the application will result in the application being considered nonresponsive and not considered for funding.

1. Do any of the actions included in the proposal require compliance with either the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), or both?

✓
YES

NO

2. If you answered yes to #1, identify the lead governmental agency for CEQA/NEPA compliance.

City of Benicia
Lead Agency

3. If you answered no to #1, explain why CEQA/NEPA compliance is not required for the actions in the proposal.

4. If CEQA/NEPA compliance is required, describe how the project will comply with either or both of these laws. Describe where the project is in the compliance process and the expected date of completion.

An environmental analysis has been performed; a draft Initial Study/Mitigated Negative Declaration has been prepared; expected completion July 15,2000.

5. Will the applicant require access across public or private property that the applicant does not own to accomplish the activities in the proposal?

YES

✓
NO

If yes, the applicant must attach written permission for access from the relevant property owner(s). Failure to include written permission for access may result in disqualification of the proposal during the review process. Research and monitoring field project for which specific field locations have not been identified will be required to provide access needs and permission for access with 30 days of notification of approval.

6. Please indicate what permits or other approvals may be required for the activities contained in your proposal. Check all boxes that apply.

LOCAL

Conditional use permit	_____
Variance	_____
Subdivision Map Act approval	_____
Grading permit	_____✓_____
General plan amendment	_____
Specific plan approval	_____
Rezone	_____
Williamson Act Contract cancellation	_____
Other _____	_____
(please specify)	_____
None required	_____

STATE

CESA Compliance	_____J_____	(CDFG)
Streambed alteration permit	_____	(CDFG)
CWA § 401 certification	_____✓_____	(RWQCB)
Coastal development permit	_____	(Coastal Commission/BCDC)
Reclamation Board approval	_____	
Notification	_____✓_____	DPC, BCDC
Other _____	_____	
(please specify)	_____	
None required	_____	

FEDERAL

ESA Consultation	_____	(USFWS)
Rivers & Harbors Act permit	_____	(ACOE)
CWA §404 permit	_____✓_____	(ACOE)
Other _____	_____	
(please specify)	_____	
None required	_____	

DPC = Delta Protection Commission
 CWA = Clean Water Act
 CESA = California Endangered Species Act
USFWS = U.S. Fish & Wildlife Service
 ACOE = U.S. Army Corps of Engineers

ESA = Endangered Species Act
 CDFG = California Department of Fish and Game
 RWQCB = Regional Water Quality Control Board
 BCDC = Bay Conservation and Development
 comm.

Land Use Checklist

All applicants must fill out this Land Use checklist for their proposal. Applications must contain answers to the following questions to be responsive and to be considered for funding. Failure to answer these questions and include them with the application ~~will~~ result in the application being considered nonresponsive and not considered for funding.

1. Do the actions in the proposal involve physical changes to the land (i.e., grading, planting vegetation, or breaching levees or restrictions in land use (i.e., construction easement or placement of land in a wildlife refuge)?

✓
YES

NO

2. If NO to #1, explain what type of actions are involved in the proposal (i.e., research only, planning only).

3. If YES to #1, what is the proposed land use change or restriction under the proposal?

Grading to remove fill and create channels.

4. If YES to #1, is the land currently under a Williamson Act contract?

YES

✓
NO

5. If YES to #1, answer the following:

Current land use	<u>Open Space</u>
Current zoning	<u>Waterfront/Commercial</u>
Current general plan designation	<u>Open Space/Parks</u>

6. If YES to #1, is the land classified as Prime Farmland, Farmland of Statewide Importance or Unique Farmland on the Department of Conservation Important Farmland Maps?

YES J
NO DONT KNOW

7. If YES to #1, how many acres of land will be subject to physical change or land use restrictions under the proposal? ~~7~~ **acres**

8. If YES to #1, is the property currently being commercially farmed or grazed?

YES

✓
NO

9. If YES to #8, what are the number of employees/acre
the total number of employees

10. Will the applicant acquire any interest in land under the proposal (fee title or a conservation easement)?

YES

✓
NO

11. What entity/organization ~~will~~ hold the interest? _____

12. If YES to #10, answer the following:

Total number of acres to be acquired under proposal _____
Number of acres to be acquired in fee _____
Number of acres to be subject to conservation _____
easement _____

13. For all proposals involving physical changes to the land or restriction in land use, describe what entity or organization will:

manage the property
provide operations and maintenance services
conduct monitoring

City of Benicia Parks & Community Services

City of Benicia Parks & Community Services

City of Benicia Parks & Community Services

14. For land acquisitions (fee title or easements), will existing water rights also be acquired?

YES

NO

15. Does the applicant propose any modifications to the water right or change in the delivery ~~of~~ the water?

YES

✓
NO

16. If YES to #15, describe _____



May, 15, 2000

Mr. William Travis
Bay Conservation and Development Commission
30 Van Ness Avenue, Room 2011
San Francisco, California 94102

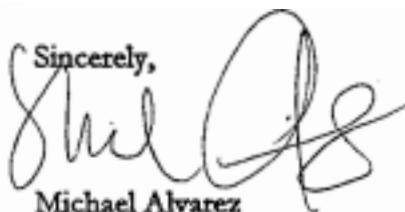
Subject Letter of Notification - Submittal of CALFED Proposal for Phase II of the Benicia Waterfront Marsh Restoration Project

Dear Mr. Travis:

This letter is to provide notification that with the attached proposal, the City of Benicia has submitted a proposal to the CALFED Bay-Delta Program for funding of Phase II, Implementation, of the Benicia Waterfront Marsh Restoration Project.

As directed by CALFED proposal requirements, attached please find one complete copy of the proposal for your review and information.

Please feel free to direct any inquiries regarding this proposal to me, at the letterhead address.

Sincerely,


Michael Alvarez

Director, Parks and Community Services

APPENDIX A - SUMMARY OF EXISTING PROJECT STATUS

Phase I, Restoration Planning, of the Benicia Waterfront Marsh Restoration Project was funded by CALFED (FWS Agreement # 114209J030), and is nearing completion at the time of this submittal for Phase II, Implementation. The project will ecologically enhance a total of 7.4 acres—6.8 acres of tidal brackish marsh and 0.6 acres of upland native grass buffer. Included in the 6.8 acres of enhancement is restoration of 0.7 acres of middle level brackish marsh by removal of mounded fill, and the conversion of 0.23 acres of degraded middle level brackish marsh to low brackish marsh, also via removal of fill. Monitoring and control of invasive non-native species is a major component of the maintenance plan for the site. A site location map, the concept restoration plan, the overall grading plan, and site photographs are included as Exhibits 1 through 7 in the body of the proposal.

The restoration of the Benicia Waterfront Marsh is intended to address (1) the loss of quantity, and degradation of quality, of saline emergent wetlands and (2), the modification of tidal flow patterns with consequent impacts on both plant and animal life. Although the Benicia Waterfront Marsh site occupies a relatively small area, enhancement of tidal marsh functions and values at this location will contribute to the restoration of the shoreline continuum that formerly defined the upper reaches of the Carquinez Strait. The site is a remnant of a former 140-acre tidal marsh complex. The geomorphic and hydrologic patterns and plant distributions of the marsh have been altered by: (1) A severely reduced tidal prism; (2) An elevated surface in relation to tidal levels; (3) A changed composition of surface sediments; (4) Fill and past land uses on the fill (docks, canneries, a tannery, and railroad spur) have resulted in a highly degraded marsh vegetation. Removal of fill and creation of pilot channels (Exhibit 6) will increase the tidal prism. An increased tidal prism sets the stage for a more natural evolution of low order tidal channels. The removal of fill will result greater inundation depths for longer periods of time, especially in the near shore parts of the marsh. An increased tidal prism should also provide more freshwater into upper parts of the marsh during those parts of the year (ca. Feb. to April) that freshwater tends to dominate surface flows in the Strait. These changes in marsh geomorphology and the depths, frequency, and patterns of inundation will eventually be reflected in altered vegetation patterns. The marsh appears to be in an relatively early stage of vegetation development. In contrast to 1991-1992 conditions in the marsh, 1999 vegetation surveys found the marsh vegetation to be a predominantly native, albeit extremely heterogeneous, mix of freshwater, brackish, and saline species (Exhibit 7).

The Benicia Waterfront Marsh site, given its heterogeneous substrate origins and relatively recent colonization by marsh plant species, offers the opportunity, through long-term observation of vegetation coupled with flow and salinity monitoring, of contributing significantly to our understanding of the ecology and development of brackish marsh systems. One hypothesis is that the current tidal prism over most of the site is insufficient to initiate channel formation. Fill removal and construction of pilot channels will sufficiently increase tidal prism that low order channels will begin to evolve. Monitoring of the site will provide new insight into channel development in small systems. A further hypothesis is that the diverse, heterogeneous vegetation patches and patterns present today on project site are a function of a number of interacting factors including: 1) different soil types deposited as fill; 2) differential settling or subsidence of those fill surfaces, leading to small scale elevation changes, leading to differences in length of presence of standing water, or saturated soils; 3) the presence of areas of high fill inhibits even and regular drainage, contributing to differences as described in 2; and, 4) priority effects of colonizing plant species as the open and disturbed fill surface was colonized by species capable of surviving in the fluctuating brackish water environment. Possible future trajectories of the marsh include: (a) Given a more even and regular

tidal flow over the marsh plain, it is expected that over time the current patchy diversity of dominant species **will** decrease, and a more uniform set of species **will** dominate. (b) If current conditions are at least partially a product of #4, that is, current conditions reflect the opportunistic establishment of species, then additional time for competition and dispersal on site, might also tend toward a more uniform plant composition. (c) On the other hand, if soil characteristics are a primary driver of the current heterogeneous condition, then the current conditions may be expected to persist, in spite of a and b. (d) Similarly, if long-term species dominance is strongly driven by ~~first~~ colonizers, rather than by competition between species, then current condition may persist.

In 1998 the City applied for and received CALFED funding to develop a final restoration plan for the marsh and conduct required environmental review and permitting for the project. That contract was executed in February 1999. Over the last year and three months the City has engaged in planning for the restoration of the marsh. Hydrologic and biologic investigations were conducted at the site, as well as reconnaissance studies of nearby reference marshes in the Carquinez Strait. A final concept plan was developed. Consttuction documents (plans and specifications) for the restoration of the marsh have been prepared. Environmental review as required under CEQA has been conducted, with the City as the Lead Agency. The U.S. Fish and Wildlife Service, as the provider of funds for the project, is the lead agency for NEPA compliance. The Service has stated they consider the project to be Categoricaly Exempt, and has begun preparation of appropriate documents. **An** Initial Study was conducted under CEQA, and a Draft Mitigated Negative Declaration has been prepared. At the time of this proposal submittal the Mitigated Negative Declaration is under review. It is anticipated that it **will** be sent to the State Clearinghouse around June 15, initiating a **30** public comment period. When completed, copies of the IS/MND and the Categorical Exclusion **will** be submitted to CALFED, prior to the initiation of any work.

Consultations have been initiated with the appropriate regulatory agencies regarding permits that may be required for the project; specifically the U.S. Army Corps of Engmeers, the U.S. Fish and Wildlife Service, the Regional Water Quality Control Board, and the Bay Conservation and Development Commission. Consultations with the Corps have indicated the appropriateness of Nationwide Permit Number 27 for the project, and no barriers to its use are foreseen. Although a final decision has not been made, informal consultation with the Service does not indicate the need ~~for~~ a permit from them. A permit **will** be required from the Bay Conservation and Development Commission; the project meets their requirements, and no barrier to obtaining that permit is foreseen. Permit negotiations are in process with the Regional Water Quality Control Board.

The greatest potential constraint **on** project success is the known presence of random pockets of hydrocarbon deposits in the marsh. The permit being developed with the RWQCB **will** identify necessary environmental protection measures. The restoration plan has been developed to avoid excavation in or near known pockets, but other pockets could be located in the planned excavation areas. Therefore, additional sediment sampling **will** be conducted in proposed excavation areas prior to construction. The restoration plans have been developed with flexibility and contingency measures sufficient to cover a percentage of the excavated soils requiring special handling and disposal. Should amounts encountered exceed these contingencies, the quantity of excavation **will** be decreased to balance the budget. With these contingency measures and opportunities for flexibility regarding excavation areas and quantities, there should be no barrier to feasibility of construction.

A Project Monitoring Plan has been developed as part of the restoration planning efforts. It **will** be submitted to **CALFED** for review.